

## EXHIBIT 39

06/15/2013

# **EXHIBIT U**

AFTER RECORDING RETURN TO:

CAL-WESTERN RECONVEYANCE CORPORATION  
525 EAST MAIN STREET  
P.O. BOX 22004  
EL CAJON CA 92022-9004  
(619)590-9200

RECORDED IN POLK COUNTY  
Valerie Unger, County Clerk

2010-007886



\$56.00

00232877201000078880030036

08/16/2010 03:46:04 PM

REC-NDE Cnt=1 Stn=1 K. WILLIAMS  
\$15.00 \$10.00 \$11.00 \$15.00 \$5.00

## NOTICE OF DEFAULT AND ELECTION TO SELL

Loan No.: XXXXXX7062 T.S. No.: 1289798-09

Reference is made to that certain trust deed made by  
MICHAEL SMERDEL AND JAMIE SMERDEL, HUSBAND AND WIFE AS JOINT TENANTS BY THE  
ENTIRETY

as grantor,  
to FIRST AMERICAN TITLE  
as trustee,

in favor of MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., ("MERS") AS NOMINEE  
FOR GREENPOINT MORTGAGE FUNDING, INC.

as beneficiary, dated February 12, 2007, recorded April 09, 2007, in the official records of POLK County,  
Oregon, in book/reel/volume No. XX at page XX, fee/file/instrument/microfilm/reception No. 2007-005331  
(indicate which), covering the following described real property situated in said County and State, to-wit:  
LOT 15, MOUNTAIN FIR ESTATES PHASE II, INDEPENDENCE, POLK COUNTY, OREGON.

CAL-WESTERN RECONVEYANCE CORPORATION

as Trustee, hereby certifies that no assignments of the trust deed by the trustee or by the beneficiary and no  
appointments of a successor-trustee have been made except as recorded in the mortgage records of the county  
or counties in which the above described real property is situated; further, that no action, suit or proceeding  
has been instituted to recover the debt, or any part thereof, now remaining secured by the said trust deed, or, if  
such action or proceeding has been instituted, such action or proceeding has been dismissed except an action  
to appoint a receiver pursuant to ORS 86.010, or the foreclosure of another trust deed, mortgage, security  
agreement or other consensual or nonconsensual security interest or lien securing repayment of this debt.

There is a default by the grantor or other person owing an obligation, or by their successor-in-interest, the  
performance of which is secured by said trust deed with respect to provisions therein which authorize sale in  
the event of default of such provision; the default for which foreclosure is made is grantor's:

0011013

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Rev: 09/15/09

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1598544  
FIRST AMERICAN TITLE



## NOTICE OF DEFAULT AND ELECTION TO SELL

Loan No.: XXXXXX7062  
T.S. No.: 1289798-09

In construing this notice, the masculine gender includes the feminine and the neuter, the singular includes the plural, the word "grantor" includes any successor in interest to the grantor as well as any other persons owing an obligation, the performance of which is secured by said trust deed, the words "trustee" and "beneficiary" include their respective successors in interest, if any.

CAL-WESTERN RECONVEYANCE CORPORATION

By/Signature: \_\_\_\_\_

Jennifer Victa, V.P.

August 12, 2010

STATE OF CALIFORNIA  
COUNTY OF SAN DIEGO

On 8/12/2010 before me, N. Feistel  
a Notary Public, personally appeared Jennifer Victa, V.P. who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument. I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal

(Seal)

Signature \_\_\_\_\_

N. Feistel

